

10th AMENDMENT TASK FORCE

Federalism: The Founders' Formula for Freedom



A project of the Republican Study Committee ([RSC](#))

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.”

Amendment X to the United States Constitution

TASK FORCE BILL OF THE WEEK:

Stop Tax Dollars From Being Used to Entice States to Enact Federal Driving Laws

Recent reports have highlighted efforts by the Department of Transportation (DOT) to mandate states to adopt federal standards to prevent distracted driving practices throughout the nation namely banning cell phone texting and use while driving. DOT Secretary Ray LaHood [stated](#) through his office that his office wants “Congress to incentivize states to pass anti-texting and driving legislation, similar to the approach taken to prevent drunk driving and promote seat belt use.” Presumably, “incentivize” means conditioning federal transportation funds upon state enactment of federal distracted driver mandates. When Sec. LaHood was [laying out](#) his blueprint for “voluntary” compliance, the DOT announced \$2.4 million in federal funding for California and Delaware to increase enforcement of local and state ordinance concerning distracted driving.

While driving safety is a laudable governmental goal, any regulatory activity is one designated for state and local officials to determine—not the federal government. In fact, states have led the way in addressing distracted driving matters. For example, according to the [Insurance Institute for Highway Safety](#), 39 states have completely banned texting while driving. Ten states have banned talking on hand-held cellphones [when](#) driving, while the use of all cellphones by novice drivers is restricted in 32 states.

Representative Diane Black (TN) is planning to introduce a Motion to Instruct (MTI) for the Senate Amendment to H.R. 4348, the Conference Report for Highway Reauthorization bill. The MTI strikes section 31108 of the Senate version of the bill, which offers federal grants to states to incentivize adoption of federal distracted driving mandates. This effort to support federalism and states’ rights is supported by [Americans for Tax Reform \(ATR\)](#), [Heritage Action](#), and the [Cato Institute](#).

For more information on the bill, please contact Robert Cogan at 5-4231 with Rep. Black.